

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PARTIES
AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendant ASA Carriers, Inc. (hereinafter “Defendant “ASA”), hereby removes this action from the District Court of Seminole County, State of Oklahoma, to the Federal District Court in the Eastern District of Oklahoma pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendant respectfully informs the Court of the following:

PROCEDURAL REQUIREMENTS

1. Pursuant to 28 U.S.C. § 1446(d), these Defendants will serve written notice of the filing of this Notice of Removal upon Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Seminole County, State of Oklahoma.

2. Pursuant to LCvR 81.2(a), a copy of the State Court Action docket sheet and all documents filed in the State Court Action are attached as Exhibits 1-10. (See Ex. 1 – Seminole County Court Docket Sheet; Ex. 2 – Plaintiff’s Petition; Ex. 3 – Entry of Appearance for Plaintiff attorney Rex Travis; Ex. 4 - Entry of Appearance for Plaintiff attorney Paul Kouri; Ex. 5 – Entry of Appearance for Plaintiff attorney Greg Milstead; Ex. 6. – Summons for ASA Carriers Back to Attorney; Ex. 7 – Summons for Augustus Williams Back to Attorney; Ex. 8 – Motion to Withdraw as Counsel; Ex. 9 – Order; Ex. 10 – Issues Alias Summons for ASA Carries, Inc. Back to Attorney. There is no scheduling order in the State Court Action. There are no pending motions.

BACKGROUND INFORMATION

3. On September 6, 2017, Plaintiff filed her Petition in District Court of Seminole County, State of Oklahoma, with the case caption *Janna Newcomb vs. ASA Carriers, Inc/ and Augustus Williams*, Case No. CJ-2017-94 (“state court action.”) See Exhibit 2, Plaintiff’s Petition.

4. Plaintiff’s Petition seeks damages in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, i.e. in excess of \$75,000. *Id.*

5. The subject lawsuit involves a motor vehicle collision that occurred on June 2, 2017, in Seminole County, Oklahoma. Plaintiff alleges Defendant Augustus Williams was acting within the course and scope of his employment with Defendant ASA when he caused the motor vehicle accident causing Plaintiff to suffer injuries and damages.

6. Upon information and belief Plaintiff is a resident of Oklahoma County, State of Oklahoma.

7. Defendant Augustus Williams is a resident of Dallas County, State of Texas.

8. Defendant ASA Carries Incorporated is a foreign corporation incorporated in the State of Texas with its principal place of business in the State of Texas.

9. On December 1, 2017, Defendant ASA Carries Incorporated was served with a alias summons and a copy of the Petition.

10. As of the filing of this *Removal* Augustus Williams has not been served with a copy of the summons or Petition.

JURISDICTION

11. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446, and based on diversity of citizenship between the Plaintiff and Defendants under 28 U.S.C. § 1332 and as alleged above.

12. Upon information and belief, as derived from Plaintiff's Petition, Plaintiff seeks an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. See Exhibit 2.

13. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of 2011 ("JVCA"), because thirty (30) days since the last Defendant was served has not elapsed.

14. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

15. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in “[T]he District Court of the United States for the district and division within which such action is pending.” 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Seminole County, State of Oklahoma, a county within the confines of the Eastern District of Oklahoma includes Seminole County. *See* 28 U.S.C. § 116(a).

16. Based on the above referenced statements and allegations removal of this matter to this Court is proper.

CONCLUSION

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Oklahoma and all Defendants joined in this lawsuit have citizenship outside of Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is timely filed. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/Nicholaus A. Hancock.

Robert P. Coffey, Jr., OBA # 14628

Timothy S. Harmon, Sr., OBA #11333

Nicholaus A. Hancock, OBA #31576

Coffey, Senger & McDaniel, PLLC

4725 East 91st Street, Suite 100

Tulsa, OK 74137

P: 918-292-8787

F: 918-292- 8788

Robert@csmlawgroup.com

Tim@csmlawgroup.com

Nicholaus@csmlawgroup.com

Attorneys for Defendant ASA Carriers, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2017, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendant further caused the foregoing/attached pleading to be served upon all counsel of record via U.S. Mail, postage prepaid, to:

Rex Travis
Greg Milstead
P.O. Box 1336
Oklahoma City, OK 73101

s/Nicholaus A. Hancock

Nicholaus A. Hancock